

for wrongdoings by the agency or its personnel.

Mr. Speaker, I urge my colleagues to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and pass the bill, H.R. 5633, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REPORTING EFFICIENTLY TO PROPER OFFICIALS IN RESPONSE TO TERRORISM ACT OF 2021

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1540) to provide for joint reports by relevant Federal agencies to Congress regarding incidents of terrorism, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Reporting Efficiently to Proper Officials in Response to Terrorism Act of 2021” or the “REPORT Act”.

SEC. 2. DUTY TO REPORT.

(a) IN GENERAL.—Whenever an act of terrorism occurs in the United States, the Secretary of Homeland Security, the Attorney General, the Director of the Federal Bureau of Investigation, and, as appropriate, the head of the National Counterterrorism Center, shall submit to the appropriate congressional committees, by not later than one year after the completion of the investigation concerning such act by the primary Government agency conducting such investigation, an unclassified report (which may be accompanied by a classified annex) concerning such act.

(b) CONTENT OF REPORTS.—A report under this section shall—

(1) include a statement of the facts of the act of terrorism referred to in subsection (a), as known at the time of the report;

(2) identify any gaps in homeland or national security that could be addressed to prevent future acts of terrorism; and

(3) include any recommendations for additional measures that could be taken to improve homeland or national security, including recommendations relating to potential changes in law enforcement practices or changes in law, with particular attention to changes that could help prevent future acts of terrorism.

(c) EXCEPTION.—

(1) IN GENERAL.—If the Secretary of Homeland Security, the Attorney General, the Director of the Federal Bureau of Investigation, or, as appropriate, the head of the National Counterterrorism Center determines any information described in subsection (b) required to be reported in accordance with subsection (a) could jeopardize an ongoing investigation or prosecution, the Secretary, Attorney General, Director, or head, as the case may be—

(A) may withhold from reporting such information; and

(B) shall notify the appropriate congressional committees of such determination.

(2) SAVING PROVISION.—Withholding of information pursuant to a determination under paragraph (1) shall not affect in any manner the responsibility to submit a report required under subsection (a) containing other information described in subsection (b) not subject to such determination.

(d) DEFINITIONS.—In this section:

(1) ACT OF TERRORISM.—The term “act of terrorism” has the meaning given such term in section 3077 of title 18, United States Code.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) in the House of Representatives—

(i) the Committee on Homeland Security;

(ii) the Committee on the Judiciary; and

(iii) the Permanent Select Committee on Intelligence; and

(B) in the Senate—

(i) the Committee on Homeland Security and Governmental Affairs;

(ii) the Committee on the Judiciary; and

(iii) the Select Committee on Intelligence.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Texas (Mr. PFLUGER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I ask unanimous consent to that all Members may have 5 legislative days to revise and extend their remarks and include any extraneous materials on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1540, the REPORT Act.

In December of 2015, a terrorist attack in San Bernardino, California, left 14 people dead and 22 wounded. Local law enforcement and first responders were heroes that day, saving lives just as they do every day across this Nation.

When terrorists strike our communities, Americans understandably have questions, and they look to us, their elected Representatives, for answers.

Our constituents want to know whether there were warnings or indications of a potential attack; whether anything could have been done to prevent it; and what can be done to thwart future attacks.

H.R. 1540, the REPORT Act, authored by Congressman PETE AGUILAR, seeks to ensure that Members of Congress can be more responsive to their constituents by requiring better communication by Federal agencies with Congress following an attack.

Specifically, the bill would require the Secretary of Homeland Security, in coordination with the Attorney General and the FBI Director, to submit to Congress an unclassified report within 1 year of completing a terrorism investigation.

The report, which may include a classified annex, must include a statement of facts regarding the attack; information on any homeland or national security gaps that could be addressed to prevent future attacks; and any recommendations for measures, including changes in the law, that would improve homeland or national security.

This vital information needs to be shared by the executive branch with the legislative branch to strengthen our Nation's terrorism response and prevention efforts.

H.R. 1540 is a commonsense measure, and I urge my colleagues to support it. I reserve the balance of my time.

Mr. PFLUGER. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 1540, the Reporting Efficiently to Proper Officials in Response to Terrorism, or the REPORT Act.

Too many times, when a terrorism incident occurs within the United States, consistent and accurate information is not communicated to Congress. Many of us, especially from Texas, experienced this firsthand recently, when a British national, Malik Faisal Akram, took hostages at the Beth Israel Congregation in Colleyville, Texas.

And not only were the initial facts and circumstances of the incident unclear, but many questions remain unanswered regarding Akram's travel and admission into the United States.

This is completely unacceptable. Not only should Congress have all of the necessary information regarding terrorist attacks and other terrorism incidents, but the American people deserve to know what happened and how our government is responding.

The REPORT Act requires the DHS Secretary, the Attorney General, the FBI Director, and the Director of the National Counterterrorism Center, to submit an unclassified report to Congress regarding any incident of terrorism that occurs in the United States. The report must include the following:

A statement of facts; any gaps in our homeland or national security that could be addressed to prevent future acts of terrorism; and recommendations for additional measures, or legislative issues, to improve homeland or national security and prevent future acts of terrorism.

I commend my colleagues, and specifically my colleague from California, for bringing this legislation before the Homeland Security Committee and to the floor today.

I urge Members to join me in supporting H.R. 1540, and I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. AGUILAR), the author of this commonsense legislation.

Mr. AGUILAR. Mr. Speaker, I want to thank my colleague from New Jersey for yielding some time.

I rise in support of my bill, H.R. 1540, the REPORT Act. I first introduced the bill, as my colleague mentioned, after the 2015 attack in San Bernardino, a community that I have been proud to represent. This attack tragically took the lives of 14 people and wounded 22. If not for the work of our first responders, more innocent lives would have been lost that day.

The REPORT Act would ensure that lawmakers and law enforcement agencies are better prepared to detect, prevent, and respond to future incidents of terrorism.

If enacted, the Secretary of Homeland Security, in coordination with the Attorney General and the FBI, would submit this unclassified report to Congress whenever an act of domestic terrorism occurs in the United States.

By requiring the executive branch to share their findings with Congress, we, as representatives of our local communities, can act on the recommendations for changes and practices or law to prevent attacks and to protect all communities.

I appreciate my colleague from Texas talking about other incidents, and we know that incidents of mass violence continue to happen across our country, including the moment of silence that we had on the floor last evening.

If we can work together to prevent one such incident from taking place, Mr. Speaker, if both parties can unite to save one innocent life, this legislation will have been a success.

I appreciate the Homeland Security Committee staff for working to get this done, and my colleague from Texas and my colleague from New Jersey for leading this effort.

I ask my colleagues for an “aye” vote.

Mr. PFLUGER. Mr. Speaker, I yield myself the balance of my time.

I think this bill really strikes at the heart of what the Constitution says. We are a coequal branch of government, and the check and the balance on the executive branch, the executive agencies, is very important. We are elected, and we have a responsibility to go to our districts to report back about incidents that are affecting our country negatively.

And it is heartbreaking to hear any sort of terrorist attack, any sort of incident that is aimed at undermining our national security. That is why this committee was formed in the wake of 9/11. The purpose of our committee is to make sure that we have the ability to give the tools to those that are carrying out these missions; whether they are Customs and Border Protection, whether they are TSA agents, or any other agency that is entrusted with protecting the American public.

We deserve to have that transparency, as we have mentioned in a previous bill, and now to be able to report back. So I commend my colleague for bringing this up. And it is my sincere hope, similar to the other bills that we have discussed, that we can, as

a coequal branch of government, offer that check and that balance on the executive branch, regardless of who is in power, regardless of the administration, to provide the necessary tools to continue to protect our country and all Americans.

Mr. Speaker, I have no further speakers. I urge Members to support this bill, and I yield back the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, our Nation faces a complex and evolving terrorism threat landscape. We all celebrate the heroic first responders who save lives when an attack occurs, but the American people also expect Congress to respond to attacks and prevent future ones.

The REPORT Act is a commonsense bill that would ensure Congress has the information necessary to do just that.

The REPORT Act received bipartisan support during the committee consideration, and an earlier version of the bill passed the House in the 115th Congress by voice vote.

I urge my colleagues to support H.R. 1540, the REPORT Act, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and pass the bill, H.R. 1540, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DHS ILLICIT CROSS-BORDER TUNNEL DEFENSE ACT

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4209) to support remediation of illicit cross-border tunnels, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “DHS Illicit Cross-Border Tunnel Defense Act”.

SEC. 2. COUNTER ILLICIT CROSS-BORDER TUNNEL OPERATIONS.

(a) COUNTER ILLICIT CROSS-BORDER TUNNEL OPERATIONS STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection, in coordination with the Under Secretary for Science and Technology, and, as appropriate, other officials of the Department of Homeland Security, shall develop a counter illicit cross-border tunnel operations strategic plan (in this section referred to as the “strategic plan”) to address the following:

(A) Risk-based criteria to be used to prioritize the identification, breach, assessment, and remediation of illicit cross-border tunnels.

(B) Promote the use of innovative technologies to identify, breach, assess, and remediate illicit cross-border tunnels in a manner that, among other considerations, reduces the impact of such activities on surrounding communities.

(C) Processes to share relevant illicit cross-border tunnel location, operations, and technical information.

(D) Indicators of specific types of illicit cross-border tunnels found in each U.S. Border Patrol sector identified through operations to be periodically disseminated to U.S. Border Patrol sector chiefs to educate field personnel.

(E) A counter illicit cross-border tunnel operations resource needs assessment that includes consideration of the following:

(i) Technology needs.

(ii) Staffing needs, including the following:

(I) A position description for counter illicit cross-border tunnel operations personnel.

(II) Any specialized skills required of such personnel.

(III) The number of such full time personnel, disaggregated by U.S. Border Patrol sector.

(2) REPORT TO CONGRESS ON STRATEGIC PLAN.—Not later than one year after the development of the strategic plan, the Commissioner of U.S. Customs and Border Protection shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the implementation of the strategic plan.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commissioner of U.S. Customs and Border Protection \$1,000,000 for each of fiscal years 2023 and 2024 to carry out—

(1) the development of the strategic plan; and

(2) remediation operations of illicit cross-border tunnels in accordance with the strategic plan to the maximum extent practicable.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Texas (Mr. PFLUGER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include any extraneous materials on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4209, the DHS Illicit Cross-Border Tunnel Defense Act.

Since 1990, more than 200 cross-border tunnels built by smugglers and transnational criminal organizations have done smuggling of illicit drugs, humans, weapons, and money, and have been discovered along the U.S. border with Mexico.

□ 1245

The Border Tunnel Prevention Act of 2012, signed into law by President Obama, enhanced the criminal penalties for unauthorized construction,